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May 29, 2018

VIA ELECTRONIC CASE FILING

Hon. Tonianne J. Bongiovanni, U.S.M.J.
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608
tjb_orders@njd.uscourts.gov

Re: *Lutz Surgical Partners, PLLC et al. v. Aetna, Inc. et al.*
Case No. 15-cv-2595 (BRM)(TJB)

ANJC v. Aetna, Inc.,
Case No. 09-cv-03761 (BRM)(TJB)

Tri3 Enter., LLC v. Aetna, Inc. Case
Case No. 11-cv-03921 (BRM)(TJB)

Dear Judge Bongiovanni:

Our firm, along with ZUCKERMAN SPAEDER LLP, is counsel for Plaintiffs in the above-referenced matters. We write to advise the Court as to the availability of our various clients to attend the settlement conference scheduled before Your Honor this Thursday at 10:00 A.M., and to request that Your Honor excuse the in-person attendance.

As to the individual plaintiffs in the *Lutz* case, Dr. Morse (New York) and Dr. Desai (Florida) are unable to attend in-person, but will both be available by phone.

As to the individual (as opposed to association) plaintiffs in the *ANJC* case, Drs. Yarns (Georgia), Carnucci (New Jersey), Vincent (New York), Milione (New York), and Restivo (New York) will be in attendance. Dr. Shirley (Texas) and Dr. Manz (Ohio) are unable to attend in-person, but will both be available by phone.



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As to the association plaintiffs, the Association of New Jersey Chiropractors, the International Chiropractors Association (Virginia), the Illinois Chiropractic Society, and the New York Chiropractic Council are unable to provide a representative to attend in person, but all will have either an Executive Director or their General Counsel available by phone.

As to the individual plaintiffs in the *Tri3* case, Mike Wilford (Illinois), who is the President and/or Managing Member of each entity plaintiff is unable to attend in-person, but will be available by phone.

As such, we respectfully request Drs. Morse, Lutz, Shirley, and Manz, the association plaintiffs, and Mike Wilford be excused from in-person attendance at Thursday's settlement conference pursuant to the Court's Standing Order for Settlement Conferences. These parties will be reachable by phone as needed at any point during the conference.

We have had extensive discussions with each of our clients in anticipation of Thursday's conference and are looking forward to what will hopefully be a productive day.

Thank you in advance for your consideration.

Respectfully submitted,

BUTTACI LEARDI & WERNER, LLC

/s/ John W. Leardi

John W. Leardi
A Member of the Firm

JWL/

cc: All Counsel of Record (*via ECF only*)